

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JACOVETTI LAW, P.C., et al.,

Plaintiffs,

v.

JAMES EVERETT SHELTON, et al.,

Defendants.

Case No. 2:20-cv-00163-JDW

ORDER

AND NOW, this 27th day of April, 2020, upon consideration of Plaintiff's Motion to Re-Open Case Pursuant To F.R.C.P. 60(b) and to Amend Complaint Pursuant to F.R.C.P. 15(a) (ECF No. 19), it is **ORDERED** that, for the reasons stated in the accompanying Memorandum, the Motion is **GRANTED IN PART**.

It is **FURTHER ORDERED** that Plaintiffs Robert Jacovetti and Jacovetti Law, P.C., may file an Amended Complaint, in a form that complies with the Court's accompanying Memorandum, on or before May 4, 2020.

It is **FURTHER ORDERED** that, to the extent Joshua Thomas will continue as counsel for Robert Jacovetti and Jacovetti Law, P.C., he must comply with Paragraph 5 of this Court's Order dated March 27, 2020 (ECF No. 29).

It is **FURTHER ORDERED** that on or before May 11, 2020, Plaintiffs Robert Jacovetti and Jacovetti Law, P.C. shall file a RICO Case Statement. This Statement shall include the facts that the Plaintiffs are relying upon to initiate this RICO complaint as a result of the reasonable inquiry required by Rule 11 of the Federal Rules of Civil Procedure. The RICO Case Statement

shall be in a form which uses both the numbers and letters set forth below and shall, in detail and with specificity, provide the following information:

1. State whether the alleged unlawful conduct is in violation of 18 U.S.C. §§ 1962(a), (b), (c), and/or (d). If you allege violations of more than one Section 1962 subsection, treat each as separate RICO claim;

2. List each defendant and state the alleged misconduct and basis of liability of each defendant;

3. List the alleged wrongdoers, other than the defendants listed above, and state the alleged misconduct of each wrongdoer;

4. List the alleged victims and state how each victim allegedly was injured;

5. Describe in detail the pattern of racketeering activity or collection of an unlawful debt alleged for each RICO claim. A description of the pattern of racketeering activity shall include the following information:

(a) List the alleged predicate acts and the specific statutes allegedly violated;

(b) Provide the dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding each predicate act;

(c) If the RICO claim is based upon the predicate offenses of wire fraud, mail fraud, fraud in the sale of securities, or fraud in connection with a case under U.S.C. Title 11, the “circumstances constituting fraud or mistake shall be stated with particularity.” Fed. R. Civ. P. 9(b). Identify the time, place, and contents of the alleged misrepresentation or omissions, and the identity of persons to whom and by whom the alleged misrepresentations or omissions were made;

(d) Describe whether the alleged predicate acts relate to the enterprise as part of a common plan. If so, describe in detail;

6. Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise shall include the following information;

(a) State the names of the individuals, partnerships, corporations, associations or other entities allegedly constituting the enterprise;

(b) Describe the structure, purpose, roles, function and course of conduct of the enterprise;

(c) State whether any defendants are employees, officers or directors of the alleged enterprise;

(d) State whether any defendants are associated with the alleged enterprise, and if so, how;

(e) State whether you allege that the defendants are individuals or entities separate from the alleged enterprise, or that the defendants are the enterprise itself, or members of the enterprise;

(f) If you alleged any defendants to be the enterprise itself, or members of the enterprise, explain whether such defendants are perpetrators, passive instruments, or victims of the alleged racketeering activity;

7. State whether you allege and describe in detail how the pattern of racketeering activities and the enterprise are separate or have merged into one entity;

8. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how the racketeering activity differs from the usual and daily activities of the enterprise, if at all;

9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering activities;

10. Describe the effect of the activities of the enterprise on interstate or foreign commerce;

11. If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

(a) State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and,

(b) Describe the use or investment of such income;

12. If the complaint alleges a violation of 18 U.S.C. § 1962(b), provide the following information:

(a) Describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise; and,

(b) State whether the same entity is both the liable “person” and the “enterprise” under Section 1962 (b);

13. If the complaint alleges a violation of 18 U.S.C. § 1962(c), provide the following information:

(a) State who is employed by or associated with the enterprise;

(b) State whether the same entity is both the liable “person” and the enterprise” under Section 1962 (c);

14. If the complaint alleges a violation of 18 U.S.C. § 1962(d), describe in detail the alleged conspiracy;

15. Describe the alleged injury to business or property;

16. Describe the relationship between the alleged injury and violation of the RICO statute;

17. List the damages sustained by reason of the violation of Section 1962, indicating the amount for which each defendant allegedly is liable; and

18. Provide any additional information you feel would be helpful to the Court in assessing your RICO claim.

It is **FURTHER ORDERED** that Defendants' response to the Amended Complaint shall be due two weeks after the filing of the of RICO Case Statement.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.